

Serial No. **10/619,550**
Amendment dated January 13, 2006
Reply to Office Action of October 19, 2005

Docket No. **P-0566**

REMARKS

By the present response, Applicant has amended claims 1, 3, 10, 14 and 15 to further clarify the invention. Claims 1, 3, 5-8, 10-12 and 14-18 are pending in the present application.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Further, amendments have been made in accordance requests by the Examiner. Entry is thus requested.

In the Office Action, claims 3, 10-12, and 14-18 have been objected to for informalities. Claims 1, 3, 5-8, 10-12, and 14-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Jeong.

Claim objections

Claims 3, 10-12 and 14-18 have been objected to because of informalities. Applicant has amended these claims to further clarify the invention and respectfully requests that these objections be withdrawn.

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35 U.S.C. § 102 rejections

Claims 1, 3, 5-8, 10-12 and 14-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Jeong. Applicant respectfully traverses these rejections.

Jeong discloses a method for measuring the number of service packets transmitted and/or received by a mobile handset, in which information for data service amount is provided to a data service user through the mobile handset. The user can estimate charges for mobile communication data services as they are accrued, thus allowing the user to manage cost and use the mobile data service capability more efficiently.

Regarding claims 1, 10 and 15, Applicant submits that Jeong does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, measuring a service data amount received or transmitted at a terminal equipment using a terminal in a call connection networking between the TE and a network that includes monitoring packets received or transmitted between the TE and the network at the terminal to determine if a monitored received or transmitted packet corresponds to a control packet indicating a control protocol set-up state of the TE is established, or cumulatively counting a number of all packets excluding packets added during a protocol stack setting process, received or transmitted until every protocol session of the TE is released if the control packet indicates the control protocol set-up state of the TE is established, removing a header and tailer from the packets received or transmitted between the TE and the network such that the measured amount of provided data

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corresponds only to the payload portions of the package and counting the number of received or transmitted payload portions as the measured amount of data.

The Examiner asserts that Jeong discloses these limitations in paragraphs 14-16 and 31-36. However, these portions of Jeong merely disclose measuring the number of service packets exchanged by the mobile handset and a server where data is transmitted or received, a pre-determined payload extracted from the transmitted or received data, the extracted payload being converted into a number of packets and displayed, and setting a state value of a packet amount measuring flag to “enable” when the communication channel is set and setting the state value of a packet amount measuring flag to “disable” when the communication channel is released. This is not monitoring packets received or transmitted to determine if a monitored received or transmitted packet corresponds to a control packet indicating a control protocol set-up state of the TE as established, as recited in the claims of the present application. Jeong merely discloses setting a flag to enable when the communication channel is set and to disable to release the communication channel. Jeong does not disclose or suggest anything related to a control packet indicating a control protocol set-up state of the TE being established.

Moreover, Jeong does not disclose or suggest monitoring packets received or transmitted between TE and the network at a terminal. Jeong merely relates to monitoring the service packets exchanged between a mobile handset and server. In contrast, the limitations in the claims of the present application relate to monitoring packets by a terminal (e.g. a mobile

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terminal) that are received or transmitted between a terminal equipment (TE) and a network. In this regard, the terminal may serve as a modem. These limitations are neither disclosed nor suggested by Jeong, which merely discloses transmitting between a mobile handset and a server.

Moreover, Jeong does not disclose or suggest measuring an amount of provided data between the terminal equipment and the network when the control packet indicates a channel for data transmission as set between the TE and the network. As noted previously, Jeong merely relates to measuring packets transmitted or received by the mobile handset. This is not measuring data between the terminal equipment and a network using a terminal, as recited in the claims of the present application.

Regarding claims 3, 5-8, 11, 12, 14 and 16-18, Applicant submits that these claims are dependent on one of independent claims 1, 10 and 15 and, therefore, are a patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Jeong does not disclose or suggest the limitations in the combination of each of claims 1, 3, 5-8, 10-12 and 14-18 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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CONCLUSION

In view of the foregoing Amendments and remarks, Applicant submits that claims 1, 3, 5-8, 10-12 and 14-18 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: January 13, 2006
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